

32

Entered - 10-21-99 - sb
CL 99L0664 - GWENDOLYN BURNS
00- R-0154

CLAIM OF: W. E. MACKKEY
2891 Springdale Road, Apt. #E-5
Atlanta, Georgia 30315

FAVORABLE REPORT

For damages alleged to have been sustained as
a result of a vehicular accident on September
28, 1999 at 2891 Springdale Road.
COM. Public Safety

BY: PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE:

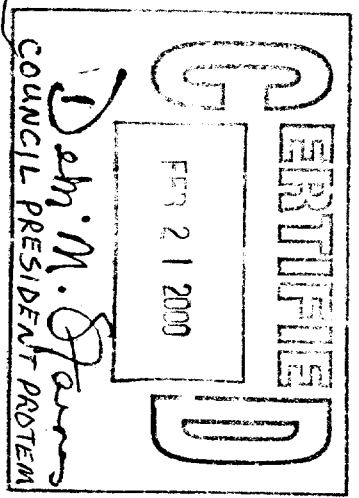
DATE 2/15/2000
COM. Public Safety
Shirley Davis

BE IT RESOLVED by the Council of the City
of Atlanta that the action of the Department of
Law be approved in authorizing payment to W.
E. MACKKEY the sum of \$930.00 in full
settlement and satisfaction of all claims, past,
present and future, of every kind and character
for damages alleged to have been sustained as
a result of a vehicular accident on September
28, 1999 at 2891 Springdale Road as is more
particularly set forth in the within claim; said
sum taken from and charged to account
1A01/529017/T31001, Settlement of Suits and
Claims, Department of Law.

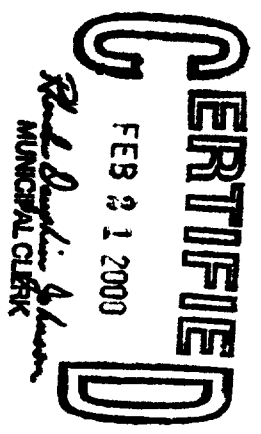
APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

Derry Bell
City Attorney

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY
ADOPTED BY



FEB 21 2000
COUNCIL



APPROVED
MAR - 1 2000
WITHOUT SIGNATURE
BY OPERATION OF LAW



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

00-R-0154

A RESOLUTION

**BY PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **W.E. Mackey** the sum of **\$930.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of a **vehicular accident on September 28, 1999 at 2891 Springdale Road** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

February 21, 2000

March 01, 2000

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0664

Date: February 3, 2000

Claimant /Victim W. E. MACKEY
BY: (Atty) (Ins. Co.) _____
Address: 2891 Springdale Road, E-5, Atlanta, Georgia 30315
Subrogation: _____ Claim for Property damage \$ 1,055.58 Bodily Injury \$ _____
Date of Notice: 10/13/99 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 9/28/99 Place: 2891 Springdale Road
Department PUBLIC WORKS Bureau: Solid Waste Services Division _____
Employee involved Santonio Mobley Disciplinary Action: Written Counseling

NATURE OF CLAIM: Claimant's parked vehicle sustained damage when it was accidentally backed into by a City vehicle.

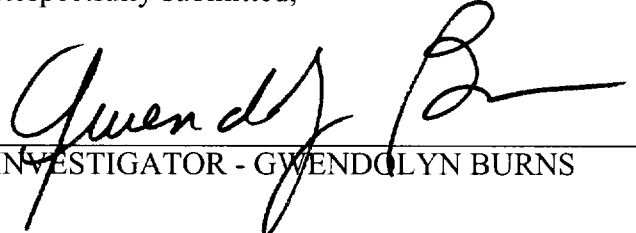
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____


BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement X
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 930.00 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 02-04-00
Committee Action: _____ Council Action _____

RECEIVED OCT 11 1999

BURNS
10/13/99

COUNCIL OF THE CITY OF ATLANTA
CLERK OF COUNCIL
City Hall
68 Mitchell Street, S.W.
Atlanta, GA 30335

RE: CLAIM FOR DAMAGES

TODAY'S DATE: Sept. 28, 1999

ENTERED - 10-21-99 - SB
99L0664 - GWEN BURNS

Dear Sir:

This is to notify the City of Atlanta that I have suffered damages in the sum of \$ _____ property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: Sept. 28, 1999
(month day, year)
2. Police called ✓
(yes) (no)
3. Location of incident: 2891 Springdale Rd. E-5 (Home)
4. Name of your insurance company: Ace Ins. Policy # 58E-26072
5. State what and how incident occurred: City truck was backing up and backed into my car which was parked in front of my door.
(use other side if necessary)
6. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE STATEMENTS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
7. The registered owner must make the claim for vehicle damages. Complete the following and attached two (2) estimates of repair.
Your vehicle: Cadillac '79 848 LWS W.E. Mackey
(make) (year) (tag#) (driver's name)
City vehicle: Truck Santona Mobley Jose Sanitation
(make) (driver's name) (department)
8. Witness: Horace Mapp 2891 Springdale Rd. E-5 768-28
(name) (address) (phone) 2878
9. The acknowledgment of this claim in no way waives the Governmental Immunity of the City of Atlanta, as granted by State Law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT!

10. THIS CLAIM SHOULD BE MAILED IMMEDIATELY TO THE ADDRESS SHOWN ABOVE

W.E. Mackey (SEAL)
(claimant)
2891 Springdale Rd. E-5
(address)
Atlanta GA 30315
(city) (state) (zip)
(404) 768-2578 —
(home) (phone) (work)

404
330-6236

541100

GENERAL RELEASE AND INDEMNIFICATION

NO. 99L0664

\$ 930.00

IN CONSIDERATION of the sum of NINE HUNDRED THIRTY DOLLARS & NO/100
 DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is
 hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns,
 release and forever discharge said City, its officers and employees, including but not limited to
Santonia Mobley, from any and all claims, demands, actions, causes of action, suits, damages, loss
 and expenses, of whatsoever kind or nature for or on account of anything that has heretofore
 occurred, and particularly for or on account of a vehicular accident

which occurred on or about the 28th day of September, 1999,

at or near Springdale Road.

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this 21 day of JAN., 19~~19~~2000.

W. E. Mackey (LS)
W. E. MACKEY

The above release was read and explained to, and signed by the said W.E. MACKEY

in our presence on the date above written.

History Public, Lenoir County, Georgia
 10/10/2004

Witness

00-*R*-0154

RCS# 1771
2/21/00
2:37 PM

Atlanta City Council

Regular Session

CONSENT AGENDA PAGES (1 - 9)

ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEMS REMOVED FROM
CONSENT AGENDA

00-O-0122
00-O-0123
00-R-0202
00-R-0020

00-O-0212 - Councilmember
Boazman Abstained

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 99-O-2072
2. 99-O-2073
3. 00-O-0127
4. 00-O-0124
5. 00-O-0126
6. 00-O-0066
7. 00-O-0125
8. 00-O-0211
9. 00-O-0212 *
10. 00-O-0213
11. 00-O-0207
12. 00-R-0220
13. 00-R-0196
14. 00-R-0209
15. 00-R-0180
16. 00-R-0176
17. 00-R-0174
18. 00-R-0145
19. 00-R-0146
20. 00-R-0147
21. 00-R-0148
22. 00-R-0149
23. 00-R-0150
24. 00-R-0151
25. 00-R-0152
26. 00-R-0153
27. 00-R-0154
28. 00-R-0155
29. 00-R-0156
30. 00-R-0157
31. 00-R-0158
32. 00-R-0159
33. 00-R-0160

**02/21/00 Council Meeting
ITEMS ADVERSED ON
CONSENT AGENDA**

34. 00-R-0161
35. 00-R-0162
36. 00-R-0163
37. 00-R-0164
38. 00-R-0165
39. 00-R-0166
40. 00-R-0167
41. 00-R-0168
42. 00-R-0169
43. 00-R-0170
44. 00-R-0171
45. 00-R-0172
46. 00-R-0173
47. 00-R-0175

* Councilmember Boazman
abstained from voting on item 00-
O-0212.